Board of Water Commissioners of the City of Saint Paul

February 3, 2009 Meeting

> Agenda and Minutes

BOARD OF WATER COMMISSIONERS

February 3, 2009

Meeting Agenda

CONSENT AGENDA:

- 1. Approval of the Minutes of the regular meeting of January 2009.
- 2. Approval of the Financial Statements for the month of December 2008.

ACTION ITEMS:

- 3. Resolution No. 7016 pertaining to Minnesota Water Agency Response Network mutual aid agreement.
- 4. Resolution No. 7017 pertaining to a dedication of public utility easement to the Board of Water Commissioners by property owners within Rapp Farm of North Oaks.

GENERAL MANAGER'S REPORT

INFORMATIONAL ITEMS:

- a. Employee Injury Report 4th Quarter 2008. (attachment)
- b. Vehicle Accident Report 4th Quarter 2008. (attachment)
- c. Investment Portfolio (To be handed out at meeting.)

BOARD OF WATER COMMISSIONERS

February 3, 2009

Meeting Minutes

President Harris called the meeting to order at 5:05 p.m. in the Committee Hearing Room 330, City Hall.

Roll call.

Present: President Harris, Vice President Zanmiller, Secretary Gagnelius, Commissioners

Anfang, Bostrom and Kleindl.

Absent: Commissioners Carter and Rossbach

Gary Eagles, North Oaks Company, Doreena Loescher, observer; John Blackstone, Dave Schuler, and Bill Tschida; Saint Paul Regional Water Services.

CONSENT ITEMS:

Consent Agenda Item Nos. 1 and 2 were moved for approval by Commissioner Bostrom as follows:

CONSENT AGENDA:

- 1. Approval of the Minutes of the regular meeting of January 2009.
- 2. Approval of the Financial Statements for the month of December 2008.

Adopted.

Yeas - 5

Nays - 0

ACTION ITEMS:

3. Resolution No. 7016 pertaining to Minnesota Water Agency Response Network mutual aid agreement.

Mr. Schuler explained that adoption of the resolution would make the Board party to a mutual aid agreement between water, waste water, watershed and storm water utilities to facilitate emergency assistance to each other. There is no obligation to provide requested aid and costs incurred by the parties providing aid will be reimbursed.

Resolution No. 7016 was moved for approval by Commissioner Bostrom as follows:

WHEREAS, Minnesota Statutes, Section 471.59 authorizes governmental units by agreement of their governing bodies to jointly or cooperatively exercise any power common to them; and

WHEREAS, a Minnesota Water Agency Response Network ("MnWARN") has been established by the adoption of a Mutual Aid Agreement (the "Agreement") among governmental units to allow their water, waste water, watershed and storm water utilities to assist each other in case of an emergency, and

WHEREAS, the Agreement allows other governmental units to become a party to the Agreement by adoption of this Resolution and sending notice to the Secretary of the Statewide Committee for MnWARN; and

WHEREAS, the Board of Water Commissioners of the City of Saint Paul considers it to be in the best interests of the Board and its customers to be a party to the Agreement; and

WHEREAS, the Board of Water Commissioners of the City of Saint Paul acknowledges that it is an authorized self-insured government entity for purposes of tort liability; and

WHEREAS, the assistant city attorney has reviewed and approved the Agreement as to form; now, therefore, be it

RESOLVED, that the Board of Water Commissioners of the City of Saint Paul does hereby:

- 1. Authorize and direct the President and Secretary of the Board to sign this resolution evidencing the intent of the Board to be a party to MnWARN; and
- Direct General Manager Stephen Schneider to send a certified copy of this resolution and a completed membership information form to the Secretary of Statewide Committee of MnWARN, and
- 3. Appoint Chief Engineer David Schuler to be the Board's Authorized Official, and Production Manager James Graupmann to be the Authorized Official Alternate, as defined in the Agreement; and
- 4. Agree to comply with all terms of the Agreement.

; and be it

FURTHER RESOLVED, that the Board of Water Commissioners of the City of Saint Paul does hereby authorize and direct the proper officers of the Board to execute the MnWARN Mutual Aid Agreement on behalf of the Board.

Adopted Yeas - 5 Nays - 0

4. Resolution No. 7017 pertaining to a dedication of public utility easement to the Board of Water

Commissioners by property owners within Rapp Farm of North Oaks.

Mr. Schuler explained that the issue is an existing right-of-way and proposed easement for the Centerville conduit. Bill Tschida and John Blackstone are here to provide the details and Gary Eagles from the North Oaks Company is in attendance to answer questions about underlying property issues.

Mr. Tschida explained that the easement is proposed by North Oaks Company to mediate the fact that the Board right-of-way, recorded in 1894, was not accounted for when the underlying property was registered in the 1960s. A registered land survey was recorded a few years ago, which resulted in property and part of the recently constructed house at 24 Leaf Wing Drive encroaching on the right-of-way.

In order to not conflict with the existing house, the proposed easement is not centered on the conduit. Instead, it provides about 10 feet between the pipe and the easement edge at its narrowest point on the house side and as much as 45 feet on the other side. John Blackstone and I walked the conduit and have determined the proposed easement would provide enough area to mobilize equipment and maintain or replace the conduit. To better facilitate mobilization, the North Oaks Company also provided the Board with an access easement from the existing street to the easement area.

In response to questions from Board members, Board attorney Lisa Veith clarified that generally, a right-of-way is something understood to be set aside for the public to use, whereas an easement may or may not be open to the public. In this case, the 1894 right-of-way was reserved for use by the Board alone, and the proposed dedication of easement to the Board is for public utility purposes only.

Resolution No. 7017 was moved for approval by Commissioner Bostrom as follows:

WHEREAS, Plat No. 1, 3rd Series of Extensions, recorded November 23, 1894 in Ramsey County, Minnesota, established a certain raw water right of way ("Right Of Way") in the present city of North Oaks in favor of the Board of Water Commissioners ("Board"); and

WHEREAS, the Right Of Way was not accounted for when the underlying properties were registered as Torrens in the 1960s; and

WHEREAS, at this time, current owners of the underlying properties are willing to dedicate an easement for public utility purposes to the Board, with said easement being approximately the same size and location as the Right Of Way; and

WHEREAS, the Board is willing to accept said dedication; now, therefore, be it

RESOLVED, that the Board of Water Commissioners of the City of Saint Paul does hereby approve the Dedication of Public Utility Easement from owners of tracts within Registered Land Surveys Nos. 393 and 589, Ramsey County, Minnesota, and does hereby authorize and direct the proper officers of the Board to execute said dedication on behalf of the Board.

Adopted.

Yeas - 5

Nays - 0

GENERAL MANAGER'S REPORT

- 1. SPRWS received a \$300,000 grant from Homeland Security to convert the treatment plant control room into a Safe Room to protect the operators during an emergency.
- 2008 expenditures and revenues are not yet finalized, but based on the preliminary numbers no budget amendment is anticipated.

The meeting was adjourned at 5:20 pm.	
Attest	
Mollie Degretus	President